

## SUMMARY

This *Report of the Visa Office* is a compilation of statistical data for Fiscal Year 2002 (October 1, 2001 – September 30, 2002).

The *Report* includes information on all visa issuances by consular offices and on the use of visa numbers in the numerically limited categories. The sources of information for the data are workload reports from visa-issuing offices abroad and immigrant visa number allocation records maintained at the Visa Office.

The *Report* does not contain information on refugees or on persons granted adjustment to permanent resident status by the Immigration and Naturalization Service (INS), **except** to the extent that such adjustments of status in the numerically limited categories are reflected in the tables of immigrant number use.

## RECENT IMMIGRATION LEGISLATION

### USA PATRIOT Act of 2001

On October 26, 2001, the President signed into law the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001 (Pub. L. 107–56).

#### **Preservation of Immigration Benefits for Victims of the Terrorist Attacks of September 11, 2001**

Title IV of Pub. L. 107–56 contains several “saving clauses” that preserve immigration benefits for victims of the terrorist attacks of September 11, 2001.

Section 421 authorizes Special Immigrant status for an alien (and spouse, child, or grandparent under specified circumstances) who was the beneficiary of a petition for family-sponsored or employment-based immigrant status or for nonimmigrant fiancé(e) status filed on or before September 11, 2001 or an application for labor certification filed on or before that date, if the petition or application was revoked or terminated due to terrorist activity which caused the death or disability of the petitioner, applicant, or alien beneficiary, and if the alien files a petition for such status.

Section 422 extends various immigration-related deadlines and other filing requirements for an alien (and spouse and child) who was directly prevented from meeting such requirements as a result of the September 11, 2001 attacks.

Section 423 entitles the surviving spouse and/or child of a U.S. citizen deceased as a result of the September attacks to retain immediate relative status by filing a petition for such status within 2 years of the citizen’s death. Such spouse need not have been married for at least 2 years prior to the citizen’s death; such child retains the status of an immediate relative child regardless of changes in age or marital status. Section 423 also provides for continued family-sponsored immigrant eligibility for the spouse, child, or unmarried son or daughter of a permanent resident who died as a direct result of such attacks, and continued eligibility for adjustment of status for the spouse and child of an employment-based immigrant who died similarly.

Section 424 extends the time an alien is considered to remain a “child” if the alien is the beneficiary of a petition or application filed on or before September 11, 2001, for the purpose of adjudicating such petition or application. The visa categorization of “child” is extended 90 days if the alien’s 21<sup>st</sup> birthday is in September 2001, or 45 days if the alien’s 21<sup>st</sup> birthday is after September 2001.

#### **Grounds for Refusal Under the Terms of the Immigration and Nationality Act**

Title IV, Section 411 of Pub. L. 107–56 amends Section 212(a)(3)(B) of the Immigration and Nationality Act to expand definitions of terrorism and terrorist activity and to broaden the scope of inadmissibility due to terrorist activities. Section 411 also adds Section 212(a)(3)(F) of the Act, which provides that an alien who has been associated with a terrorist organization and intends while in the United States to engage solely, principally, or incidentally in activities that could endanger the welfare, safety, or security of the United States is inadmissible.

Title X, Section 1006 of Pub. L. 107–56 adds Section 212(a)(2)(I) of the Immigration and Nationality Act, which provides that an alien who has engaged, is engaging, or seeks to enter the United States to engage in money laundering, or who is or has been a knowing aider, abettor, assister, conspirator, or colluder with others in money laundering, is inadmissible.

## **Child Status Protection Act of 2002**

On August 6, 2002, the President signed into law the Child Status Protection Act (CSPA) of 2002 (Pub. L. 107–208). The intent of this legislation is to preserve child status for certain alien children beneficiaries who age out, i.e., who attain the age of 21 before their cases are finalized. The age-out protections of the CSPA apply to cases in which the petition or visa application was filed on or after August 6, 2002; the petition was previously filed but not yet approved as of that date; or (in certain cases) the petition was approved but a final determination had not been made on the application for a visa or adjustment prior to that date.

Section 2 extends age-out benefits to certain aliens who should be processed as Immediate Relatives, and establishes new rules for determining whether certain aliens are Immediate Relatives. The age of the applicant on the date of filing of the Form I-130, Petition for Alien Relative, will be used to determine whether the applicant qualifies as an IR-2, IR-3, or IR-4. If the parent(s) of a Family Second A (child of permanent resident) beneficiary naturalize(s), or if the marriage of a Third Preference (married son/daughter of a U.S. citizen) beneficiary is terminated, the beneficiary's age on the date of the parent's naturalization (for Family Second A) or on the date the marriage is terminated (for Family Third) will determine the beneficiary's eligibility for Immediate Relative status. An alien entitled to IR-2, IR-3, or IR-4 status as a child will remain entitled to that status, provided he/she does not marry, even if he/she is age 21 or older on the date of visa application.

Section 3 extends age-out benefits to Family Second A principal applicants, derivative applicants in all family-sponsored and employment-based preference categories, and derivative applicants in Diversity Visa cases. This section provides relief from age-out (particularly because of delays in processing) by establishing the alien's age as of the date a visa number becomes available for the alien (or the alien's parent), minus the number of days that the petition was pending. Visa availability requires both a current priority date and an approved petition. The number of days a petition is pending is calculated from the date the petition was filed to the date the petition is adjudicated. A somewhat different formula is used in Diversity Visa cases. Only those aliens who apply for an immigrant visa or adjustment of status within 1 year of the date a visa number becomes available are eligible for relief under this section.

Section 6 provides relief for Family Second B (unmarried son/daughter of permanent resident) applicants in cases where the petitioner has naturalized and the applicants (e.g., natives of certain countries such as the Philippines) would be disadvantaged by a conversion to Family First status due to a less favorable Family First cut-off date.

## **IMMIGRANT VISA CATEGORIES AND NUMERICAL LIMITATIONS**

See Appendix A for an outline of the categories of immigrants and the numerical limits established under the terms of the Immigration and Nationality Act, and Appendix B for background on the numerical limits for Fiscal Year 2002.

### **Numerical Limitations**

During Fiscal Year 2002, 226,000 family-sponsored and 142,632 employment-based preference visas were available, for a worldwide family and employment preference limit of 368,632.

Employment-based preference visas were available to all applicants without a waiting period. All family-sponsored preference categories were oversubscribed.

The per-country limit on **preference** immigrants is set by the Immigration and Nationality Act at 7% of the worldwide family and employment preference limits. For Fiscal Year 2002, the per-country limit came to 25,804. The dependent area limit came to 7,373, 2% of the worldwide family and employment preference limits.

The Nicaraguan Adjustment and Central American Relief Act (NACARA) of 1997 (Pub. L. 105–100 enacted November 19, 1997) provides that once the Employment Third Preference Other Worker (EW) cut-off date has reached the priority date of the latest EW petition approved prior to November 19, 1997, the EW annual limit is to be reduced from 10,000 to 5,000 numbers beginning the following fiscal year. This reduction is to be made for as long as necessary to offset adjustments

under the NACARA program. Since the EW cut-off date reached November 19, 1997 during Fiscal Year 2001, the EW annual limit is reduced to 5,000 beginning in Fiscal Year 2002. (See Appendix E.)

When demand for preference immigrant numbers exceeds the annual limitation set by law for a country, that country is considered oversubscribed. All oversubscribed chargeabilities are subject to the provisions of Section 202(e) of the Immigration and Nationality Act, which makes immigrant numbers within the per-country limitation available to each preference category in proportion to its worldwide numerical limitation. (See Appendix A, Section II.B. for breakdown.) The following chargeabilities were oversubscribed throughout Fiscal Year 2002: MEXICO and PHILIPPINES.

## **Diversity Immigrant (DV) Category**

Section 203(c) of the Immigration and Nationality Act makes available 55,000 immigrant visas annually to persons from countries with low rates of immigration to the United States. Applicants for these visas are selected by means of an annual lottery. Congress established this category to provide more visas for Europe (the traditional source of immigration) and Africa (long underrepresented in total immigration) without restricting immigration from Asia and Latin America, from which about 80 percent of legal immigrants have come in recent years. The program also offers a chance to immigrants who do not already have close family members or employers in the United States and who thus cannot qualify for visas in other categories.

The Nicaraguan Adjustment and Central American Relief Act (NACARA) of 1997 (Pub. L. 105–100 enacted November 19, 1997) provides that beginning with Fiscal Year 1999, and for as long as necessary, the 55,000 diversity visa numbers available for a fiscal year will be reduced by up to 5,000 annually to offset adjustments under the NACARA program. This provision resulted in the reduction of the Fiscal Year 2002 DV limit to 50,000 numbers. (See Appendix E.)

Not more than 3,500 DV visas (7% of the annual visa limit) may be provided to immigrants from any one country. Under a complex formula in the law based upon statistical data concerning immigration over a 5-year period, the visas are apportioned among six geographic regions. The allotment of Fiscal Year 2002 visa numbers for each region was: Africa, 20,263; Asia, 5,859; Europe, 20,877; North America (Bahamas), 8; South America, Central America, and the Caribbean, 2,230; and Oceania, 763.

Natives of all countries except those defined as "high admission" countries are eligible to participate in the DV program. For Fiscal Year 2002, the "high admission" countries were: Canada, China (mainland-born), Colombia, Dominican Republic, El Salvador, Haiti, India, Jamaica, South Korea, Mexico, Pakistan, Philippines, United Kingdom (except Northern Ireland) and its dependent territories, and Vietnam. Persons born in Hong Kong Special Administrative Region and Taiwan were eligible. Persons born in Macau Special Administrative Region were not eligible.

Applicants registered for the Fiscal Year 2002 DV program were selected from the approximately 10 million qualified entries received during the 1-month application period that ran from noon on October 2 through noon on November 1, 2000. The Department of State picked at random by computer and assigned rank order numbers to approximately 90,000 applicants. That figure anticipated that many of the registrants would not pursue their cases or might be ineligible to receive visas, and was intended to insure that all 50,000 Fiscal Year 2002 visa numbers could be used.

Entitlement to status for DV applicants registered for Fiscal Year 2002 expired at the end of the fiscal year, i.e., as of September 30, 2002. Of the visa numbers available for this category in Fiscal Year 2002, 43,368 numbers were issued.

## **IMMIGRANT VISAS**

### **Immigrant Visa Workload**

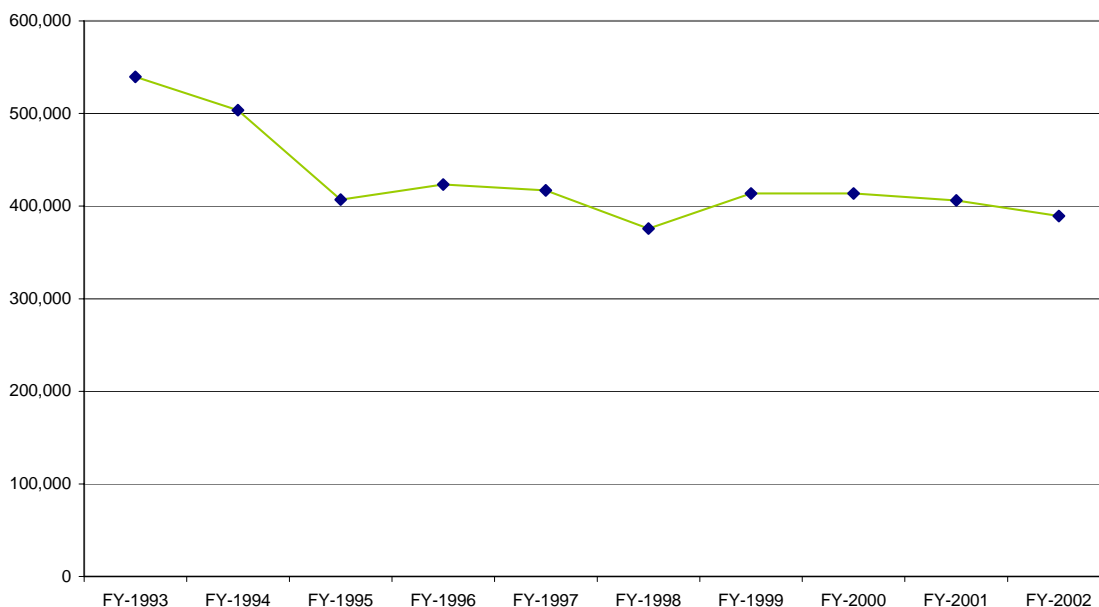
The total number of immigrant visas (including replaced visas) issued at offices abroad in Fiscal Year 2002 was 389,529. This figure is a decrease of 19,245 from the immigrant visa issuances for Fiscal Year 2001. Immediate Relative issuances were up 3.5 percent, Family-Sponsored Preference issuances decreased 11.5 percent, and Employment-Based Preference issuances were down 8.9 percent from the prior year. The net decrease in immigrant visa issuances during Fiscal Year 2002 is attributable primarily to security checks that affected application processing, as well as to issuance of V nonimmigrant visas to applicants who might otherwise have obtained Family Second A immigrant visas.

**Immigrant Visas Issued At Foreign Service Posts  
By Geographic Areas  
Fiscal Years 1998 – 2002**

<b>Region of Birth or Chargeability</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>
Africa	27,141	29,579	29,364	29,988	26,936
Asia	152,801	148,819	162,772	164,614	161,095
Europe	49,478	52,769	53,533	53,631	52,758
North America	120,260	154,762	140,081	128,151	114,461
Oceania	2,835	2,802	2,771	2,927	2,469
South America	23,169	24,931	25,000	26,769	31,438
<b>Total</b>	<b>375,684</b>	<b>413,662</b>	<b>413,521</b>	<b>406,080</b>	<b>389,157</b>

**Note:** The above figures do not include replaced visas. Issuances to persons chargeable to dependent areas are included in the figure for the region of the governing country.

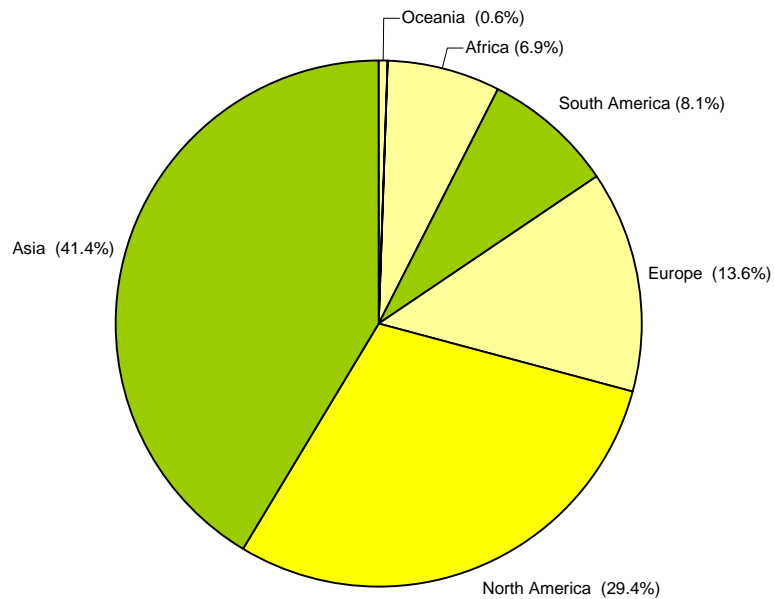
**Immigrant Visas Issued  
Fiscal Years 1993 – 2002**



On a regional basis the following variations are noted: Africa down 3,052 (–10.2%), Asia down 3,519 (–2.1%), Europe down 873 (–0.2%), North America down 13,690 (–10.7%), Oceania down 458 (–15.6%), and South America up 4,669 (+17.4%).

Immigrants from Asia represented 41.4% of the total visa issuances, with North America following with 29.4%.

**Immigrant Visa Issuances  
by Applicants' Area of Birth/Chargeability  
Regional Breakdown  
Fiscal Year 2002**



## **Classes of Immigrants**

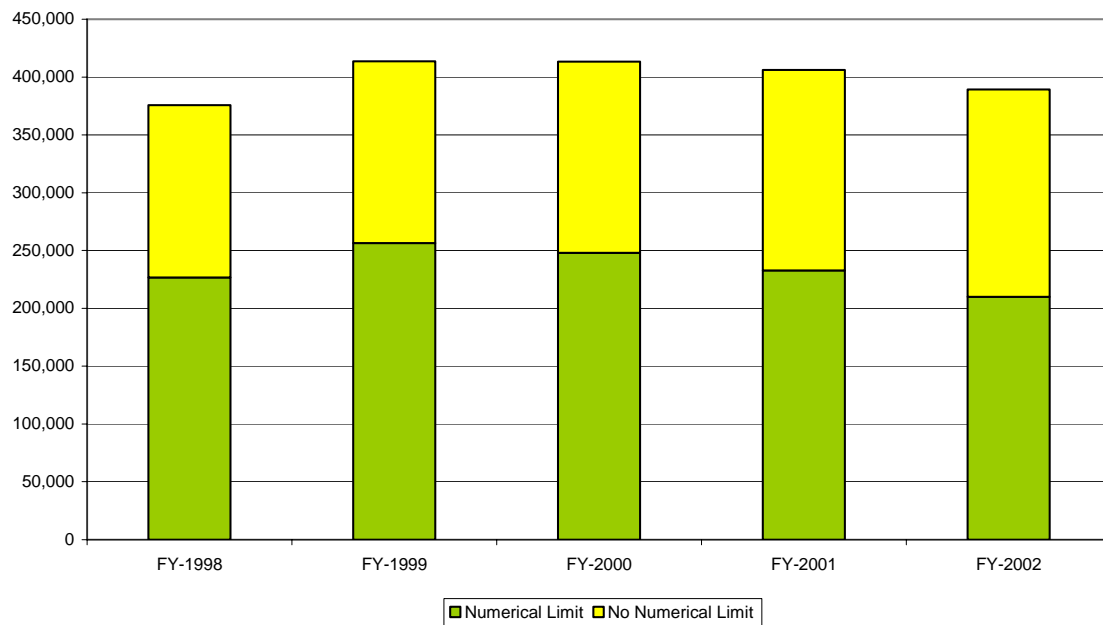
Immigrants may be divided into two broad categories: Those who are in classes subject to numerical limitations, and those in classes for which there are no numerical restrictions.

### ***Classes Not Subject to Limitations***

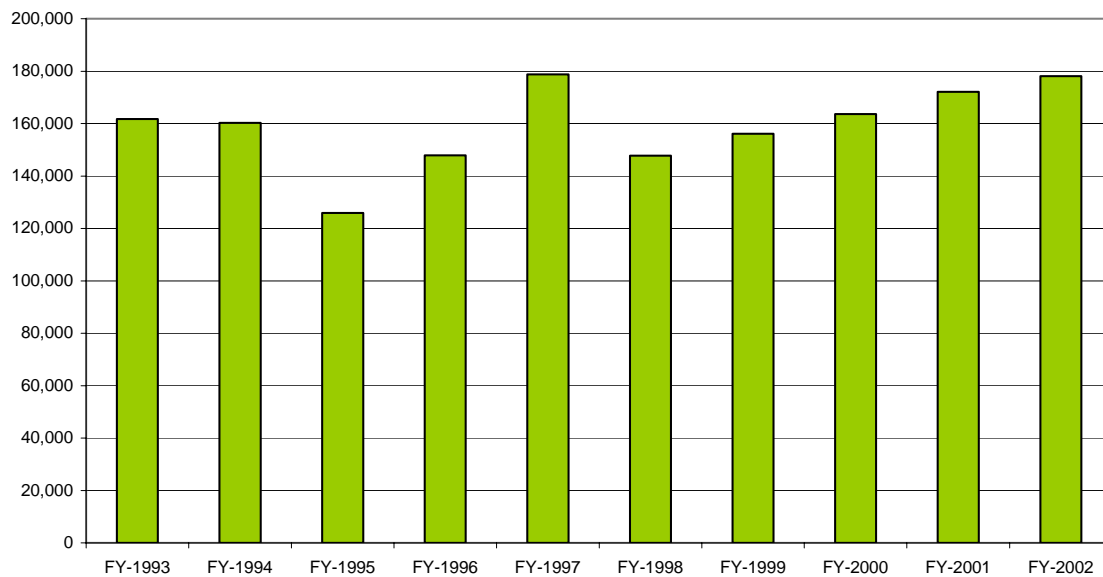
The classes not subject to numerical limitations include: "Immediate Relatives" of U.S. citizens, defined as spouse, child, orphan adopted or to be adopted, parent (if the citizen is at least 21 years of age), and certain widow(er)s and their children, and some "Special Immigrants," primarily returning resident aliens. The Vietnam Amerasian immigrant category also falls in this group.

The majority of nonlimited visas are issued to immediate relatives. During Fiscal Year 2002, the total of immediate relative visas issued at overseas posts was 178,142, an increase of 6,055 (+3.5%) from the Fiscal Year 2001 figure.

**Immigrant Visas Issued  
At Offices Abroad  
Fiscal Years 1998 – 2002**



**Immediate Relative Visas Issued  
At Offices Abroad  
Fiscal Years 1993 – 2002**

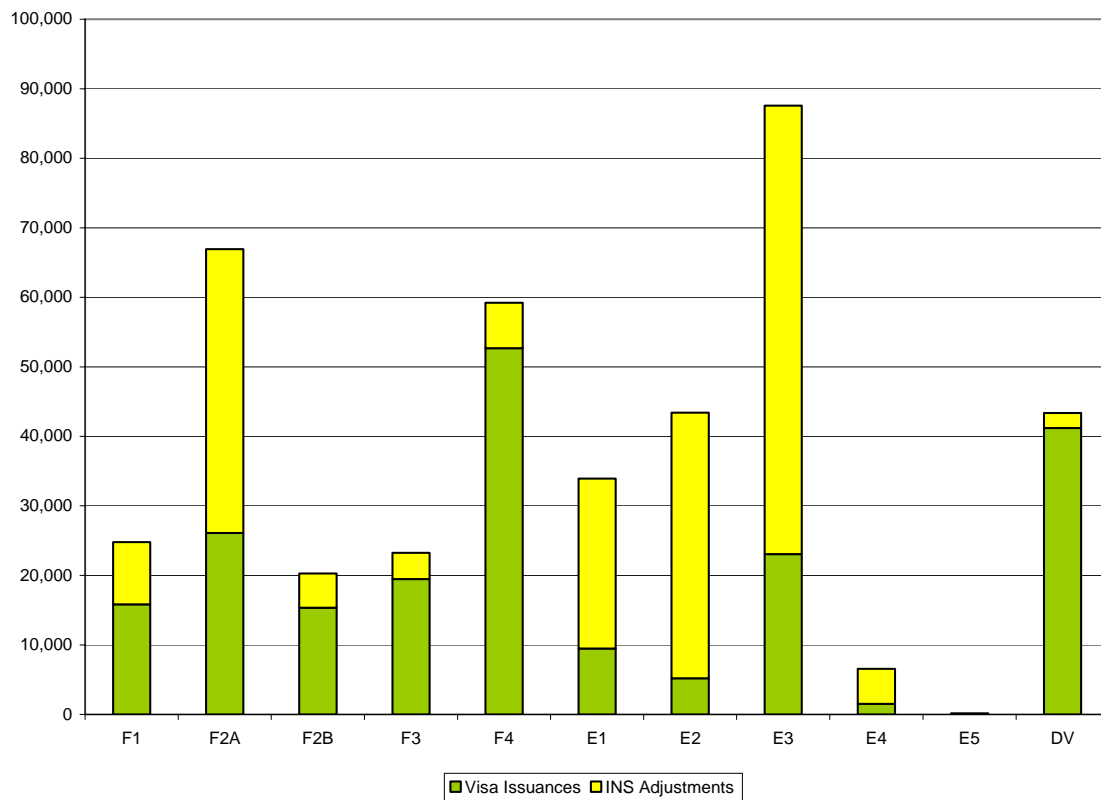


### ***Numerically Limited Classes***

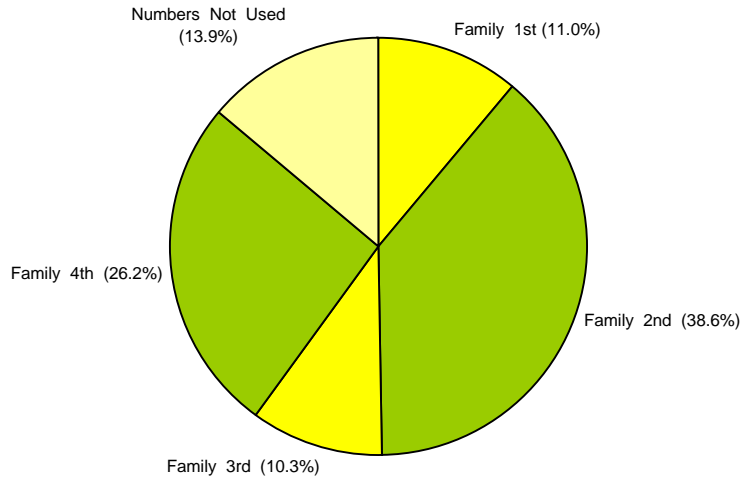
Most immigrant visas are issued to persons in the classes subject to numerical limitation. A description of these classes and numerical limits can be found in Appendix A, Section II.

For Fiscal Year 2002, visas provided at posts abroad represented 67% of the issuances in the Family preferences, 23% of the Employment preference number use, and 95% of the Diversity Immigrant category issuances. The balance were applicants for adjustment of status at offices of the Immigration and Naturalization Service in the United States. The overall percentage of visas in these classes provided at posts abroad remained approximately the same as in Fiscal Year 2001, when such visas represented 65% of the Family preference issuances, 23% of the Employment preference number use, and 95% of the Diversity Immigrant issuances.

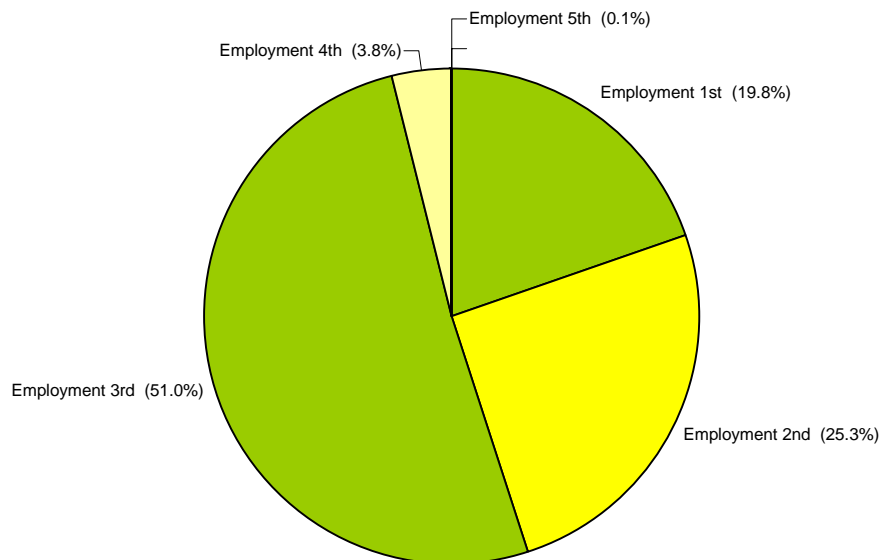
**Immigrant Visa Number Use  
By Category  
Fiscal Year 2002**



**Immigrant Visa Number Use in the  
Family-Sponsored Preference Classes  
226,000 Worldwide Limitation  
Fiscal Year 2002**



**Immigrant Visa Number Use in the  
Employment-Based Preference Classes  
142,632 Worldwide Limitation  
Fiscal Year 2002**





## NONIMMIGRANT VISAS

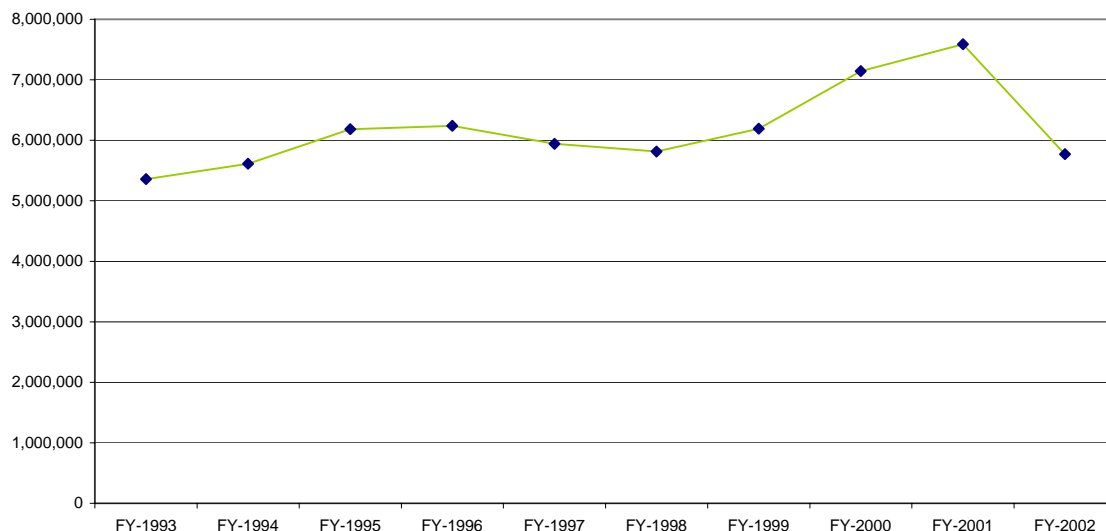
In Fiscal Year 2002, nonimmigrant visa issuances at Foreign Service posts totaled 5,769,437, a decrease of 1,819,341 (–24.0%) from the Fiscal Year 2001 figure of 7,588,778. Two factors were responsible for most of this decline. The terrorist attacks of September 11, 2001 had a major impact on foreign travel to the United States. This is reflected in the substantial reduction in temporary visitor visa issuances during Fiscal Year 2002. In addition, Mexican Border Crossing Card issuances decreased significantly during Fiscal Year 2002 from their historic high of Fiscal Year 2001, when almost 2 million of the new machine-readable cards with a biometric indicator were issued to replace old-style cards before the October 1, 2001 deadline. (Section 601 of Pub. L. 107–173 enacted May 14, 2002 subsequently extended the deadline to October 1, 2002.)

Nonimmigrant visa issuances remained considerably below the record high of 8,679,709 set in Fiscal Year 1988, a continuing reflection of the Visa Waiver Program. Argentina was removed from the Visa Waiver Program on February 21, 2002. The 28 countries in the Program throughout FY–2002 were Andorra, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Great Britain and Northern Ireland, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland, and Uruguay. Under the waiver program, citizens of the designated countries may visit the United States for up to 90 days without the need of obtaining a visitor visa.

Under separate provisions of law, visas are also not required of most Canadians and of certain other limited categories of travelers.

Nonimmigrant issuances to nationals of North American countries were about 34.7% of the total, and visas issued to nationals of Asian countries equaled about 32.2%. Visitor (B) visas and Border Crossing Cards (BCCs) accounted for about 73.8% of the nonimmigrant visas issued, and temporary employment (E, H, I, L, O, P, Q, R, and NAFTA) visas about 9.0%. Visas issued to 10 nationalities (Mexico, South Korea, India, China (mainland and Taiwan), Colombia, Philippines, Brazil, Great Britain and Northern Ireland, and Israel) accounted for about 59.9% of the total issuances.

**Nonimmigrant Visas Issued**  
**Fiscal Years 1993 – 2002**



It should be noted that most nonimmigrant visas are valid for several years. The total of persons holding valid visas, therefore, is several times the figure for visas issued in any one year. The Department of State has made a conscious effort to authorize the maximum possible nonimmigrant visa validity for qualified applicants to reduce the need for frequent reapplication, thus helping to make worldwide nonimmigrant visa processing as efficient as possible.

**Nonimmigrant Visas Issued <sup>1</sup>  
By Geographic Areas  
Fiscal Years 1998 – 2002**

<b>Region of Nationality</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>
Africa	284,071	299,726	327,568	348,935	249,341
Asia	2,047,626	2,127,317	2,456,459	2,441,707	1,854,945
Europe	1,099,114	1,081,904	1,095,296	1,065,039	888,078
North America	1,227,651	1,666,356	2,361,973	2,794,848	2,001,390
Oceania	47,053	52,565	52,835	55,511	46,945
South America	1,085,251	941,607	826,236	865,116	715,068
No Nationality Recorded <sup>2</sup>	23,387	23,003	21,269	17,622	13,670
<b>Total</b>	<b>5,814,153</b>	<b>6,192,478</b>	<b>7,141,636</b>	<b>7,588,778</b>	<b>5,769,437</b>

**Note:** Issuances to persons with the nationality of a dependent area are included in the figures for the region of the governing country.

<sup>1</sup> Includes border crossing cards.

<sup>2</sup> Crew list visas and issuances in UN Laissez Passer are included in the "No Nationality Recorded" figure.

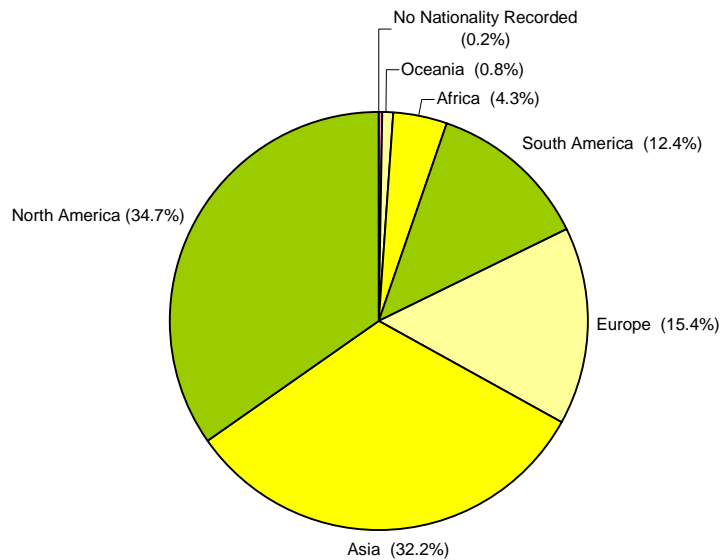
## Enhanced Border Security and Visa Entry Reform Act of 2002

On May 14, 2002, the President signed into law the Enhanced Border Security and Visa Entry Reform Act of 2002 (Pub. L. 107–173). Pub. L. 107–173 contains numerous provisions pertaining to visa operations. Section 101 requires enhanced security measures for the review of visa applicants, and authorizes appropriations for consular personnel, training, facilities, and security-related technology. Section 201 directs U.S. law enforcement and intelligence agencies to share alien admissibility and deportability information with the Department of State and INS pending implementation of a comprehensive data-sharing plan. Section 201 also advances to 15 months from the date of enactment of the USA PATRIOT Act the deadline for development and certification of a technology standard (biometric identifier) for use in identifying aliens seeking admission into the United States.

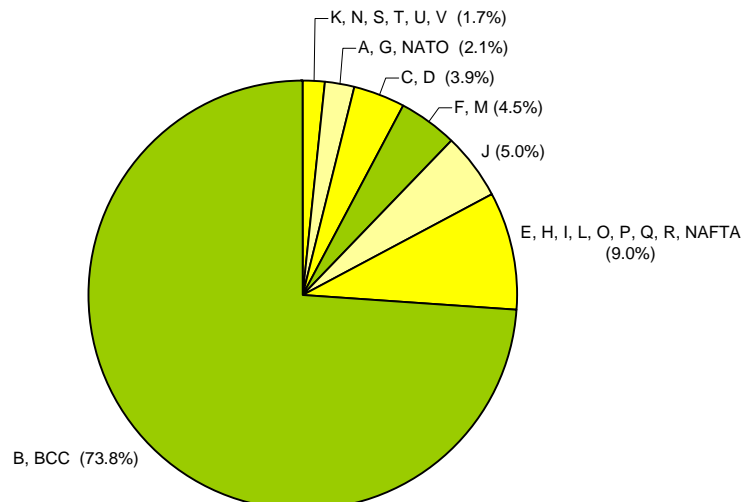
Section 301 directs the Department of State, upon issuance of a visa to an alien, to provide the INS with an electronic version of the alien's visa file prior to the alien's arrival at the port of entry. Section 302 requires implementation of an integrated entry and exit database containing arrival and departure information from machine-readable passports, visas, and other travel and entry documents possessed by aliens. Section 303 provides that beginning October 26, 2004, the Department of State and INS must issue only machine-readable, tamper-resistant visas and other travel and entry documents that use biometric identifiers. Section 303 requires a Visa Waiver Program country to certify by October 26, 2004 that it has a program to issue to its nationals qualifying machine-readable passports that are tamper-resistant and incorporate biometric and document authentication identifiers. After October 26, 2004 an alien seeking admission under the Visa Waiver Program must present such a passport unless the alien's passport was issued prior to that date. Section 305 provides for improved terrorist identification training for consular officers. Section 306 prohibits the admission of an alien from a country that is a state sponsor of international terrorism unless the Secretary of State has determined that such individual does not pose a safety or security threat to the United States. Section 307 conditions participation in the Visa Waiver Program upon a country's timely reporting to the United States of the theft of its blank passports. Section 308 requires implementation of a tracking system for stolen passports.

Section 501 strengthens the existing monitoring and verification requirements established for students and exchange visitors by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Pub. L. 104–208). Section 601 amends Pub. L. 104–208 to extend until September 30, 2002 the deadline after which aliens entering the United States using a Mexican Border Crossing Card must present the new machine-readable card with a biometric indicator. Section 606 requires the Department of State to retain copies of all nonimmigrant visa applications for 7 years from the date of application.

**Nonimmigrant Visa Issuances  
By Applicants' Nationality  
Regional Breakdown  
Fiscal Year 2002**



**Nonimmigrant Visa Issuances  
By Classification  
Fiscal Year 2002**



## **NATIONAL VISA CENTER**

The National Visa Center, located in Portsmouth, New Hampshire, provides administrative support for U.S. embassies and consulates abroad that process immigrant visas. Immigrant visa petitions are sent directly from the Immigration and Naturalization Service to the Center for initial screening, record keeping, and instructions to the visa applicant before being forwarded to overseas posts for further processing and visa issuance. If an applicant's priority date does not allow immediate visa availability, the petition is stored at the Center until the case priority date permits visa processing to begin.

The mailing address of the Center is: National Visa Center, 32 Rochester Avenue, Portsmouth, New Hampshire 03801-2909. The public inquiries telephone number of the Center is: (603) 334-0700. The E-mail address of the Center is: [NVCA@state.gov](mailto:NVCA@state.gov).

## **KENTUCKY CONSULAR CENTER**

The Kentucky Consular Center, located in Williamsburg, Kentucky, administers the Diversity Immigrant Visa Program. The Center processes applicant information, administers the computer-generated random lottery drawing, and sends notification letters with visa application instructions to the winning entrants. The Center continues to process the case until those selected are instructed to appear for visa interviews at an overseas post, or until those able to do so apply at an Immigration and Naturalization Service office in the United States for change of status.

The public inquiries telephone number of the Center is: (606) 526-7500. The E-mail address of the Center is: [KCCDV@state.gov](mailto:KCCDV@state.gov).

## **CHANGES IN VISA SERVICES AT FOREIGN SERVICE POSTS**

The following post began immigrant visa services during Fiscal Year 2002: Embassy Asmara, Eritrea.

The following posts ended immigrant visa services during Fiscal Year 2002: Consulate General Perth, Australia; Embassy Valletta, Malta.

Embassy Phnom Penh, Cambodia ended immigrant visa services during Fiscal Year 2002 except for immigrant orphans.

## **CHANGES IN FOREIGN STATE CHARGEABILITY**

East Timor voted for independence from Indonesia in an August 30, 1999 referendum and was under the authority of the United Nations Transitional Administration in East Timor (UNTAET) until May 20, 2002. On May 20, 2002, East Timor became an independent nation; on that date, the United States Government established diplomatic relations with East Timor. As a result, a separate immigrant visa chargeability was established for East Timor.